



COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF STATE

April 9, 2019

Via Email and First-Class Mail

Noel Johnson, Esq.
Public Interest Legal Foundation
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Indianapolis, IN 46204
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Re: NVRA Request

Dear Mr. Johnson:

This is in response to your letter dated March 1, 2019, which was delivered on March 20, 2019, in which you request records from the Pennsylvania Department of State (Department) pursuant to the National Voter Registration Act of 1993 (NVRA). While we appreciate your interest, the Department does not agree that the NVRA entitles you to access the records you described. At its core, Section 20507 of the NVRA requires reasonable efforts to remove voters ineligible by reason of death or a change of residence. 52 U.S.C. § 20507(a)(4). There is nothing in that section that relates to the removal of non-citizens. Therefore, it is not reasonable to read the public disclosure provision in Section 20507(i) as relating to anything but the mandatory removal programs set forth in Section 20507(a)(4).

Further, even assuming *arguendo* that the NVRA would apply to a systematic removal program regarding non-citizens, the Department does not currently have such a program in place. List maintenance in Pennsylvania is codified in 25 Pa. C.S.A. § 1901 which notably does not include any program or activity for systematic removal of non-citizens.

The Department's privileged investigation into the potential registration of non-citizens through the now-resolved issue in the PennDOT motor-voter system is not a voter removal program and is not within the scope of the public records inspection provision in the NVRA.

Sincerely,

A handwritten signature in black ink, appearing to read "Jonathan Marks".

Jonathan Marks
Deputy Secretary for Elections and
Commissions